

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking to Amend Rule 2.1 of the Rules of Practice and Procedure to Require Detailed Showing of Relevant Safety Considerations in Applications.

FILED
PUBLIC UTILITIES COMMISSION
JULY 23, 2015
SAN FRANCISCO, CALIFORNIA
RULEMAKING 15-07-024

ORDER INSTITUTING RULEMAKING

Since 2010, the Commission has undertaken a number of steps to strengthen our regulatory decision-making process to advance our ongoing safety role. In the July 2014 Safety Policy Statement, the Commissioners committed to certifying through his/her signature that safety will be properly scoped in the assigned Commissioners' scoping memos¹ and will be fully considered in Commission decisions as appropriate. To facilitate the Commission's Safety Policy Statement² and implement Action Item 7 of the Safety Action Plan and Regulatory Strategy, we propose to amend Rule 2.1 of the Commission's Rules of Practice and Procedure (C.C.R. Title 20, Div. 1, Ch. 1) to require all applications to include a detailed showing of relevant safety considerations.

¹ See Rule 7.3.

² The Safety Action Plan and the Safety Policy Statement can be found on the Commission's website at http://www.cpuc.ca.gov/PUC/safety/Safety_Policy_and_Action_Plan.htm.

1. Text of Proposed Rule

Proposed insertions are shown in underline, and proposed deletions are shown in ~~striketrough~~:

1.1. (Rule 2.1) Contents.

All applications shall state clearly and concisely the authorization or relief sought; shall cite by appropriate reference the statutory provision or other authority under which Commission authorization or relief is sought; shall be verified by at least one applicant (*see* Rule 1.11); and, in addition to specific requirements for particular types of applications, shall state the following:

- (a) The exact legal name of each applicant and the location of principal place of business, and if an applicant is a corporation, trust, association, or other organized group, the State under the laws of which such applicant was created or organized;
- (b) The name, title, address, telephone number, facsimile transmission number, and, if the applicant consents to e-mail service, the e-mail address, of the person to whom correspondence or communications in regard to the application are to be addressed. Notices, orders and other papers may be served upon the person so named, and such service shall be deemed to be service upon applicant;
- (c) The proposed category for the proceeding, the need for hearing, the issues to be considered, and a proposed schedule. (*See* Article 7.) The proposed schedule shall be consistent with the proposed category, including a deadline for resolving the proceeding within 12 months or less (adjudatory proceeding) or 18 months or less (ratesetting or quasi-legislative proceeding);

(d) A detailed showing of relevant safety considerations; and

(e) Such additional information as may be required by the Commission in a particular proceeding.

Note: Authority cited: § 1701, Public Utilities Code.

Reference: § 1701, Public Utilities Code.

2. Notice and Comment

Notice of this proposed amendment, and comment on it, are governed by Government Code §§ 11346.4 and 11351, and California Code of Regulations, Title 1, §§ 1-120. The Chief Administrative Law Judge (ALJ) will submit a Notice of Proposed Rulemaking, the attached draft of the proposed rule amendments and all other required documents to the Office of Administrative Law (OAL) for publication in the California Regulatory Notice Register. This publication starts the 45-day comment period, which is the first stage leading to the adoption and codification (in the California Code of Regulations) of the proposed amendment to the Rules of Practice and Procedure. For purposes of such publication, the Chief ALJ is authorized to propose nonsubstantive changes to the draft whenever such non-substantive change will improve the clarity or consistency of the rule.

For courtesy notification of when the notice is published and the 45-day comment period begins, please subscribe to the Commission's Rules-Update ListServ which may be found on the Commission's website at <http://www.cpuc.ca.gov/PUC/practitioner> (see link "Subscribe here!" at bottom of the webpage.)

Comments may be filed with the Docket Office pursuant to Rules 1.5 et seq., or they may be served without filing on ALJ Hallie Yacknin by

e-mail at hallie.yacknin@cpuc.ca.gov or by post at California Public Utilities Commission, 505 Van Ness Avenue, San Francisco, CA 94102.

3. Category

The category of the proceeding is preliminarily determined to be quasi-legislative. Accordingly, *ex parte* communications are permitted without restriction or reporting requirement until and unless the assigned Commissioner's scoping memo changes the category of the proceeding and/or the determination of need for evidentiary hearing. (See Rules 7.3 and 8.3(a).)

4. Need for Hearing

It is preliminarily determined that evidentiary hearings will not be needed in this proceeding.

5. Preliminary Scoping Memo

The preliminary scope of issues and schedule of the proceeding are set forth below, and may be changed by the assigned Commissioner's scoping memo. (See Rule 7.3.)

5.1. Issue

Should Rule 2.1 of the Commission's Rules of Practice and Procedure be amended as proposed in this Order Instituting Rulemaking (OIR)?

5.2. Schedule

Comments may be filed with the Docket Office or served on ALJ Yacknin as indicated previously by no later than 45 days after the date that notice of this proposed amendment is published in the California Regulatory Notice Register.

If the assigned Commissioner makes modifications to the originally proposed text of the proposed rule, it will be done by assigned Commissioner ruling and served on subscribers to the Rules-Update ListServ (*see* part 2, above,

for how to subscribe), as well as on the Official Service List (*see* part 7, below, for how to get on the Official Service List), for additional comment pursuant to Government Code §§ 11346.4 and 11351, and California Code of Regulations, Title 1, §§ 1-120.

We project final adoption and submission of the amended rule to the OAL within six months of the publication of the Notice of Proposed Rulemaking in the California Regulatory Notice Register; however, in no event will the time to finally resolve this proceeding exceed 18 months from the effective date of today's order.

6. Service of OIR

This order instituting rulemaking shall be served on subscribers to the Rules-Update ListServ (*see* part 2, above, for how to subscribe). *Service of the OIR does not confer party status or place a person who has received such service on the Official Service List for this proceeding.*

7. Addition to Official Service List

Addition to the official service list is governed by Rule 1.9(f) of the Commission's Rules of Practice and Procedure.

Any person will be added to the "Information Only" category of the official service list upon request, for electronic service of all documents filed in the proceeding, and should do so promptly in order to ensure timely service of comments and other documents that may be filed in the proceeding.

(*See* Rule 1.9(f).) The request must be sent to the Process Office by e-mail (process_office@cpuc.ca.gov) or letter (Process Office, California Public Utilities Commission, 505 Van Ness Avenue, San Francisco, California 94102). Please include the Docket Number of this rulemaking in the request.

Persons who file responsive comments with the Docket Office thereby become parties to the proceeding (*see* Rule 1.4(a)(2)) and will be added to the “Parties” category of the official service list upon such filing. *In order to assure service of comments and other documents that may be filed in advance of obtaining party status, persons should promptly request addition to the “Information Only” category as described above; they will be removed from that category upon obtaining party status.*

8. Subscription Service

Persons may monitor the proceeding by subscribing to receive electronic copies of documents in this proceeding that are published on the Commission’s website. There is no need to be on the official service list in order to use the subscription service. Instructions for enrolling in the subscription service are available on the Commission’s website at <http://subscribecpuc.cpuc.ca.gov>.

9. Public Advisor

Any person or entity interested in participating in this rulemaking who is unfamiliar with the Commission’s procedures should contact the Commission’s Public Advisor at (415) 703-2074 or (866) 849-8390 or e-mail public.advisor@cpuc.ca.gov. The TTY number is (866) 836-7825.

10. Intervenor Compensation

Any party that expects to claim intervenor compensation for its participation in this rulemaking shall file its notice of intent to claim intervenor

compensation any time until 30 days after the time for filing comments.

(See Rule 17.1(a)(2).)

ORDER

IT IS ORDERED that:

1. The Commission institutes this rulemaking on its own motion to amend Rule 2.1 of the Rules of Practice and Procedure to require all applications to include a detailed showing of relevant safety considerations.

2. This order shall be served on subscribers to the Rules-Update ListServ.

3. This rulemaking is preliminarily determined to be quasi-legislative. It is preliminarily determined that evidentiary hearings are not needed in this proceeding.

4. Comments may be filed with the Docket Office no later than 45 days after notice is published in the California Regulatory Notice Register pursuant to Rules 1.5 et seq., or they may be served without filing on Administrative Law Judge Hallie Yacknin by e-mail at hallie.yacknin@cpuc.ca.gov or by post at California Public Utilities Commission, 505 Van Ness Avenue, San Francisco, CA 94102. Filed comments shall include any objections regarding the category, need for hearing, issues to be considered, or schedule.

5. Any party that expects to claim intervenor compensation for its participation in this rulemaking must file its notice of intent to claim intervenor compensation within 30 days of the filing of comments, except that notice may be filed within 30 days of a prehearing conference in the event that one is held.

(See Rule 17.1(a)(2).)

6. The assigned Commissioner or assigned Administrative Law Judge may revise the schedule, as required to promote the efficient and fair resolution of the rulemaking.

This order is effective today.

Dated July 23, 2015, at San Francisco, California.

MICHAEL PICKER
President
MICHEL PETER FLORIO
CATHERINE J.K. SANDOVAL
CARLA J. PETERMAN
LIANE M. RANDOLPH
Commissioners